

East Bellevue Community Council
Summary Minutes of Regular Meeting

December 2, 2003
6:30 PM

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Bell, Councilmembers Eder, Keeffe, Seal and Wiechmann

ABSENT: None

STAFF: Toni Pratt, Associate Planner

1. CALL TO ORDER

The meeting of the East Bellevue Community Council was called to order at 6:32 PM with Chair Bell presiding. Chair Bell led the flag salute.

2. ROLL CALL

Roll was called by the Deputy City Clerk. All Councilmembers were present, Councilmember Wiechmann arrived at 6:35 PM.

3. COMMUNICATIONS – WRITTEN AND ORAL

Mr. Eder reported that he had met with the owner of the Kelsey Creek Shopping Center who shared his plans for the Center's future. Mr. Eder reported his efforts to obtain the existing covenants for this area.

4. APPROVAL OF AGENDA

Chair Bell noted the removal of agenda items 5 (a) and 6 (a) regarding City Council Ordinance 5475, as no action by the Community Council is required.

Mr. Eder submitted minor clerical corrections to Ordinance 5475 for staff's review. He requested that Council add the following items under New Business:

- (a) Communication from Scott Robertson regarding the Eastgate Shopping Center;
- (b) Endorsement of goals;
- (c) Disposal of unused paints.

Mr. Keeffe moved the approval of the December 2, 2003 agenda as modified. Mr. Eder seconded the motion which carried with a vote of 5-0.

5. PUBLIC HEARINGS:

- b. City Council Ordinance 5476 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending Section 20.10.440, Residential Use Chart of the Bellevue

Land Use Code.

Toni Pratt, Department of Planning and Community Development, provide the staff overview. Ordinance 5476 amends the Land Use Code to eliminate references to the East Bellevue Community Council and adopt a provision of a previously disapproved ordinance within the jurisdiction of the Community Council regarding multifamily development in Planning Districts A, B and E of the Crossroads Subarea. She explained that the only substantive change removed the ‘*’ from footnote #6. Footnote #7 remains the same.

Chair Bell clarified that approval of Ordinance 5476 would remove the previous Community Council’s disapproval of Footnote #6 but not affect their disapproval of Footnote #7.

Chair Bell opened the public hearing.

Seeing no one wishing to provide public input, Mr. Keffe moved to close the public hearing. Mr. Eder seconded the motion which carried unanimously.

Mr. Eder questioned the City Attorney’s approval as to form in regards to City Council ordinances. He asked if it would not be more appropriate for the City Attorney’s Office to approve with regard to compliance with applicable laws.

Mr. Seal moved approval of Community Council Resolution 463 adopting City Council Ordinance 5476. Mr. Keffe seconded the motion which carried with a vote of 5-0.

- c) City Council Ordinance No. 5477 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending Sections 20.20.450, 20.50.022, 20.50.024, 20.50.040, and 20.50.048 of the Bellevue Land Use Code.

Ms. Pratt stated that essentially Ordinance 5477 removes reference to the East Bellevue Community Council and adopts provisions of a previously disapproved ordinance within the jurisdiction of the Community Council regarding regulation of heliports. Currently, heliport regulation and approval criteria exists in the City of Bellevue with the exception of the Community Council area. Adoption of Ordinance 5477 would make those regulations applicable within the East Bellevue Community Council’s jurisdiction.

Chair Bell reminded Council that their previous disapproval was based upon the criteria for siting heliports did not go far enough. The effect of approving this Ordinance is to extend the general criteria for heliports into the East Bellevue area.

Chair Bell opened the public hearing.

Bart Goff, 421 155th Place SE, questioned, in the case of an emergency, would this Ordinance prohibit a helicopter from landing somewhere safe for emergency purposes to transport to Overlake Hospital. Ms. Pratt responded that hospital emergency use is provided for in the Ordinance.

Seeing no one further wishing to provide public input, Mr. Keffe moved to close the public hearing. Mr. Eder seconded the motion which carried unanimously.

Mr. Keffe moved approval of Community Council Resolution 464 adopting City Council Ordinance 5477. Mr. Seal seconded the motion which carried with a vote of 5-0.

- d) City Council Ordinance No. 5478 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending 20.20.527 of the Bellevue Land Use Code.

Again, Ms. Pratt provided the staff overview. Ordinance 5478 amends the Bellevue Land Use Code eliminating references to the East Bellevue Community Council and adopts a provision of a previously disapproved ordinance regarding regulation of manufactured housing.

Mr. Bell opened the public hearing.

Bart Goff questioned the definition of a manufactured home. In response, Ms. Pratt stated the term refers to factory built homes brought to the site and placed on a foundation.

Seeing no one further wishing to provide public input, Ms. Wiechmann moved to close the public hearing. Mr. Keffe seconded the motion which carried unanimously.

Mr. Keffe moved approval of Community Council Resolution 465 adopting City Council Ordinance 5478. Mr. Eder seconded the motion which carried with a vote of 5-0.

- e) City Council Ordinance No. 5479 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending Section 20.50.014 of the Bellevue Land Use Code.

Ms. Pratt stated that Ordinance 5479 amends the Land Use Code to eliminate reference to the East Bellevue Community Council and adopts a provision previously disapproved by the Community Council regarding the definition of 'Community Facility'. She explained that currently there is no definition applicable in the Community Council's service area.

Mr. Bell opened the public hearing.

In response to Mr. Goff, Ms. Pratt stated that the Samena Club is a private facility.

Chair Bell, giving a brief history, explained the circumstances that led to the omission of this definition in the Land Use Code applicable to the Community Council area.

Seeing no one further wishing to provide public input, Mr. Keffe moved to close the public hearing. Mr. Seal seconded the motion which carried unanimously.

Mr. Seal moved approval of Community Council Resolution 466 adopting City Council Ordinance 5479. Mr. Keffe seconded the motion which carried with a vote of 5-0.

- f) City Council Ordinance No. 5480 amending the Bellevue Land Use Code to remove outdated references, correct cross references and correct errors in the Code; amending Sections 20.10.020, 20.10.440, 20.20.005, 20.20.010, 20.20.018, 20.20.130.B, 20.20.200.B, a portion of Part 20.20, 20.20.520.F.1, 20.20.560.A, 20.20.650.A.2, 20.25A.020.A.1, 20.25A.025.B.5, 20.25A.030.C, 20.25A.030.E.1.b, 20.25A.090, 20.25A.100.E.7, 20.25B.040.A.2, 20.25F.040.C.3, 20.25F.040.C.4, 20.25G.030, 20.25H.110.A.6, 20.30D.165.A, 20.40.490.E, 20.45A.040.A, 20.45A.170, 20.45A.240, 20.45B.030.A, 20.45B.180, 20.45B.230, 20.45B.260.C, 20.50.012, 20.50.036, 20.50.040, and 20.50.048 the Bellevue Land Use Code.

Ms. Pratt made the staff presentation. She stated the above Ordinance is a non substantive change to the Land Use Code. Throughout the process of administering the Code, various errors have been discovered. The errors typically stem from changes in department names, cross-references that are no longer valid, and inadvertent errors in previous amendments.

Mr. Bell opened the public hearing.

Seeing no one wishing to provide public input, Mr. Keeffe moved to close the public hearing. Mr. Bell seconded the motion which carried unanimously.

Mr. Eder noted that Bellevue Way is incorrectly identified as 104th Avenue on the Perimeter Design Districts Map and in Section 20.25A.100.E.7.

Ms. Wiechmann moved approval of Community Council Resolution 467 adopting City Council Ordinance 5480. Mr. Keeffe seconded the motion which carried with a vote of 5-0.

- g) City Council Ordinance No. 5481 amending the Bellevue Land Use Code to clarify and improve process provisions of the Code; amending Sections 20.25J.050.E, 20.30B.140, 20.30B.175, 20.30D.200, 20.30D.285, 20.30E.175, 20.30F.175, 20.30G.140, 20.30J.135, 20.30K.130, 20.30P.140, 20.30S.140, 20.35.015, 20.35.030.A, 20.35.045, 20.35.120, 20.35.135, 20.35.210, 20.35.235, 20.35.320, 20.35.335, 20.35.355.G, 20.35.420, and 20.45A.110 in the Bellevue Land Use Code; creating new sections 20.25A.120, 20.25A.125, and 20.35.415 in the Bellevue Land Use Code.

Ms. Pratt reviewed Ordinance 5481. There are several types of approvals, which, once granted, may be modified by a subsequent proposal. These types of approvals include conditional use and administrative conditional use permits, design review approvals, and others. Generally, if the requested modification falls below a certain threshold, based on specified decision criteria, the modification is processed as a "Land Use Exemption" or "LUX". A LUX decision that does not require public notice, or provide an opportunity for appeal, is intended for relatively minor modifications. The criteria for each of these existing permits are similar, but the wording occasionally varies slightly. This amendment ensures that the wording of the criteria is consistent throughout the code.

As with the LUX, a number of previous permits are subject to modification through a Process II administrative amendment. Again, the criteria for these amendments across permit type are similar, but not always worded consistently. Amendments to affected sections of the code ensure that the wording of the criteria is consistent throughout.

Ms. Pratt reviewed the noticing change that would allow for electronic mailing to a subscription list where the recipient has so elected, and, eliminate the need to also mail a hard copy by U.S Mail.

She continued her review, highlighting new Section 20.25A.120 and 125 adding flexibility for vesting land use approval for larger, complex development projects in the Downtown. Currently, a project's land use approval is vested for two years after the approval is received. Vesting allows a land use approval to remain valid even if the Land Use Code changes after the approval is granted but before the project is actually built. The two year period currently allowed in the code is considered too short a timeframe for larger, more complex or phased projects. The amendment deals with vesting under the LUC only, and does not affect the different vesting provisions that apply under other codes, including the Building Code and Transportation Code.

Mr. Keeffe noted his concern with the slide from objective to subjective land use decision-making that could boil down to individual fallibility or politics.

Chair Bell opened the public hearing.

Mr. Goft questioned the definition of "large" in regards to the above amendment and vesting changes. In response, Chair Bell stated the term large or complex are not included in the language of Section 20.25A.120 but are instead terms used in the staff summary. Section 20.25A.125 states that an applicant for a project with multiple buildings within a single project limit may request a modification to the vesting and expiration provisions of Section 20.40.500, allowing for vesting of the land use permits and approvals for a period of up to 10 years from the date of issuance of the design review.

Seeing no one further wishing to provide public comment, Mr. Seal moved to close the public hearing. Mr. Keeffe seconded the motion which carried unanimously.

In response to Chair Bell, Ms. Pratt walked Council through additional changes.

Chair Bell stated that he felt that City Council's ability to initiate a rezone is an anomaly, given they are the decision body.

Mr. Seal moved approval of Community Council Resolution 468 adopting City Council Ordinance 5481. Ms. Wiechmann seconded the motion which carried with a vote of 5-0.

Mr. Keeffe raised an issue in regards to Ordinance 5475. He noted that the land use designation R-7.5 does not apply in the East Bellevue Community Council area. On the Uses Chart 20.20.010, Mr. Keeffe drew attention to the listed dwelling units per acre. He stated that what is now included in the matrix was once noted as a footnote regarding minimum lot size. Mr. Keeffe questioned the minimum lot size under the multiple family designations R-10 and R-15,

and, the number of dwelling units listed. In response, Ms. Pratt explained the density calculation methodology.

Mr. Keeffe stated his concern that the City has moved from the Board of Adjustment's handling of the tag-ends to a footnote that did not specify that it could be used as a zoning category. And, essentially, that is what has happened.

6. RESOLUTIONS:

- b. Resolution No. 463 approving/disapproving City Council Ordinance No. 5476
- c. Resolution No. 464 approving/disapproving City Council Ordinance No. 5477
- d. Resolution No. 465 approving/disapproving City Council Ordinance No. 5478
- e. Resolution No. 466 approving/disapproving City Council Ordinance No. 5479
- f. Resolution No. 467 approving/disapproving City Council Ordinance No. 5480
- g. Resolution No. 468 approving/disapproving City Council Ordinance No. 5481

Consideration of Resolution Nos. 463 through 468 completed following public hearings on related ordinances.

7. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS: None.

8. DEPARTMENT REPORTS None.

9. COMMITTEE REPORTS: None.

10. UNFINISHED BUSINESS

Chair Bell noted that the Clerk had compiled a document chronology of Council's discussion and past interaction with the City regarding the SE 18th Trail. He suggested that Council take this opportunity to review these materials and, perhaps, at the next meeting Council could decide whether to pursue this issue and draft a new request.

11. NEW BUSINESS

(a) Communication from Scott Robertson regarding the Eastgate Shopping Center

Mr. Eder stated that the Comprehensive Plan Policy EC-18 calls out to maintain retail areas that are designed to serve neighborhoods. Since the Comprehensive Plan has a policy that pertains to this subject he felt it would be worthwhile referring to it. He asked Council to concur with Mr. Robertson's concern of the loss of retail serving the Eastgate neighborhood. He suggested that Council ask the City, as a condition of approval for this Toyota dealership change, that the developer or property owner be required to provide retail, perhaps along the periphery of the shopping center.

Mr. Seal stated he was not supportive of the change to an auto dealership in the proximity of what was once the Safeway. He felt such a change in use could doom other small retailers in the area.

Ms. Wiechmann reported that she had received two emails regarding this issue. She stated that she had forwarded these correspondences to the Spiritwood neighborhood group. She hoped that something could be done to save neighborhood retail in this area.

Chair Bell stated he sympathized with the above concerns but was unsure what the Community Council could lend to this decision making process. He reminded Council that the Eastgate area was outside the Community Council's jurisdictional boundary and that this Council is currently engaged with the Lake Hills and Kelsey Creek Shopping Centers' potential redevelopments.

Mr. Eder recapped Council's discussion, stating the Council's general support for the retention of retail services for the community. There was Council consensus to draft a letter to the City Council supporting the retention of retail services as outlined in the Comprehensive Plan Policy EC-18.

(b) Endorsement of goals

Mr. Eder requested Council's endorsement of his outlined goals.

Overdue Recognition for Exceptional Generosity

Mr. Eder stated that the Bill and Melinda Gates Foundation is unsurpassed in their generosity to worthy causes throughout the world. He stated that he was embarrassed that the community in which the Gates reside has never recognized this generosity.

Ms. Wiechmann pointed out that the Gates reside in Medina and that Microsoft is located in Redmond.

Mr. Eder stated that Comprehensive Plan Policy UD-77 states "Recognize the heritage of the community by naming (or renaming) parks, streets, and other public places after major figures and events." In accordance with this policy, Mr. Eder asked that the Community Council champion such an effort to recognize Bill and Melinda Gates.

Mr. Keefe offered that the City has named parks for individuals in the past.

No Council consensus could be reached regarding this issue.

Facilities for Concerts

Mr. Eder stated that he discovered that there is a Parks Endowment Fund that might be tapped to provide amenities for concerts in the park. The playing of band music on a Sunday afternoon in parks across the United States, Canada and Europe is a traditional practice. Many of Bellevue parks would be suitable for such a use. He asked Council's concurrence to address this issue with the City Council.

There was tentative Council support to request the City explore providing facilities to host outdoor concerts in one or more suitable parks.

Parking for the Greenbelt Park

There is no parking space available at the Lake Hills Boulevard entrance to the Greenbelt Park.

Mr. Seal remembered that a nursery at that location provided parking over where the grass is now.

Council agreed that a request for parking on the west side of the street would be appropriate.

Comprehensive Plan Corrections

Mr. Eder stated that the current effort to bring the Comprehensive Plan up-to-date should include several corrections and requested that the Clerk forward the following to staff:

1. The Telecommunication's portion of the Utilities Chapter is no longer accurate with regard to the names of the companies that provide service. Also, Policy UT-55 specifies a maximum height of thirty inches for utility equipment support.
2. In the discussion following Policy S-SE-9, note that:
3. The K-Mart Plaza has been renamed Kelsey Creek Center.
4. The veterinary clinic has been replaced with houses.
5. The undeveloped land near SE 16th and 148th Avenue has been developed.
6. The K-Mart Plaza is mentioned in the discussion following Policy S-SE-13.
7. In the discussion following Policy S-SE-17 note:
 - i. The 1983 CIP is no longer applicable.
 - ii. There is no street in Bellevue named Lake Sammamish Boulevard.
8. In the discussion following Policy S-SE-20 note:
 - i. The listing of schools omits Bellewood Elementary (now closed).
 - ii. The Lake Hills Community Center was razed and is now the Evergreen Park (159th Place and Lake Hills Boulevard).
 - iii. "Weowna" Park (not Weona).
9. The Bellevue Park Guide shows the Sunich Greenbelt as a park in Lake Sammamish waterfront area. Also, the Sunrise Neighborhood Park.

10. Discussion regarding the 1982 Long-range Transportation System Planning Study is out-of-date.
11. Policy S-SE-27 cites Weona. Should be Weowna.
12. The section titled Unincorporated King County Area within Southeast Bellevue Subarea is no longer applicable.
13. In the discussion following Policy S-SE-42, reference to the 1983 CIP is now inappropriate. Also, the current level of service in the vicinity of 148th and NE 24th is no longer “very low”.
14. It would be helpful to note which changes that are listed in the Transportation Facility Plan have been completed.

Chair Bell commented that a number of the issues raised appear in the discussion of the Subarea Plans. He stated the citizen advisory committees at the time of the adoption of the Policies in the Subarea Plans included discussion to help put in context the rationale of the recommended policies. On the other side, while the Comprehensive Plan’s main body is updated often, there has been no changes to the Subarea Plans. He stated it may be more difficult updating Subarea Plan discussions because they are framed at another period of time and lend an historic perspective.

There was Council consensus to refer the above corrections to staff.

(c) Disposal of unused paints

There was Council discussion regarding facilities for the disposal of unused paints.

Mr. Eder again raised the question of citizen recognition.

Council discussed past public commemorations and agreed that a letter to the City Council regarding the Comprehensive Plan Policy UD-77 and current practice would be appropriate.

Council next engaged in a discussion of ethics and their application within the City’s organization.

12. **CONTINUED COMMUNICATION**: None.

13. **EXECUTIVE SESSION** None.

14. **APPROVAL OF MINUTES**

(a) November 5, 2003 East Bellevue Community Council Summary Minutes

Mr. Seal moved approval of the November 5, 2003 East Bellevue Community Council Summary Minutes. Mr. Keefe seconded the motion which carried with a vote of 5-0.

15. **ADJOURNMENT**

Mr. Keeffe moved adjournment. Mr. Seal seconded the motion, which carried 5-0. The meeting of December 2, 2003 adjourned at 9:34 PM.

Submitted by:

Michelle Murphy, CMC
Deputy City Clerk